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**AFFIDAVIT OF CLINTON LEE  
IN REGARDS TO  
PCT INTERNATIONAL APPLICATION  
NO. PCT/CA2003/000021**

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I, Clinton Lee, of the City of Langley, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am General Counsel (Intellectual Property) of Peak Innovations Inc. (hereinafter, "Peak"), and as such I have personal knowledge of the matters and facts deposed herein, except where the information is obtained from Peak's business records made and maintained in the ordinary course of business and except where the information is stated to be based upon information and belief, in which case I verily believe the matters and facts to be true, and I have been authorized by Peak to make this affidavit.
2. Since joining Peak on January 3, 2003 I have been responsible for the management of Peak's intellectual property portfolio.
3. On January 8, 2003 a Patent Cooperation Treaty application for a SCREW-IN POST SUPPORT (International Application No. PCT/CA2003/000021) was filed on behalf of Peak.
4. The inventors listed in International Application No. PCT/CA2003/000021 are Simon Walker and Jenkin Suen ("Mr. Suen").

5. Mr. Suen commenced his employment with Peak on January 16, 2002. Part of Mr. Suen's duties during the course of his employment at Peak included product design and development. It was in his course of employment with Peak that Mr. Suen co-invented the SCREW-IN POST SUPPORT which is the subject of International Application No. PCT/CA2003/000021.

6. On February 14, 2003 Mr. Suen ceased his employment with Peak and returned to pursue other interests in his native country of the People's Republic of China.

7. On August 25, 2003 I attempted to contact Mr. Suen via e-mail (celery\_jen@hotmail.com) to inform him that Peak was about to enter National Phase in Canada with International Application No. PCT/CA2003/000021 and as such, Peak would require his physical address to send him a copy of an assignment to Peak for his signature. Attached hereto as Exhibit "A" is a copy of said e-mail.

8. Having not heard from Mr. Suen, I attempted to contact Mr. Suen for a second time on July 16, 2004 via an alternative e-mail address (jenkinsuen@netvigator.com) to inform him that Peak had entered National Phase in Canada with International Application No. PCT/CA2003/000021 and as such, Peak would require his physical address to send him a copy of an assignment for his signature. Attached hereto as Exhibit "B" is a copy of said e-mail.

9. Having again not heard from Mr. Suen, I sent a follow-up e-mail to my e-mail of paragraph 8 to Mr. Suen on August 27, 2004. Attached hereto as Exhibit "C" is a copy of said e-mail.

10. After my unsuccessful attempts at contacting Mr. Suen, on September 16, 2004, I made inquiries of others at Peak to determine whether Peak had alternative means of contacting Mr. Suen. Attached hereto as Exhibit "D" is a copy of an e-mail to John Gross, President of Peak and Simon Walker, Executive Vice-President of Peak and their accompanying response.

11. On September 17, 2004 I attempted for a fourth time to contact Mr. Suen via e-mail (celery\_jen@hotmail.com) to inform him that Peak had entered National Phase in Canada with International Application No. PCT/CA2003/000021 and as such, Peak would require his physical address to send him a copy of an assignment for his signature. Attached hereto as Exhibit "E" is a copy of said e-mail.

12. Having not heard from Mr. Suen, on October 8, 2004 I again made inquiries of others at Peak to determine whether Peak had alternative means of contacting Mr. Suen. Attached hereto as Exhibit "F" is a copy of an e-mail to John Gross, President of Peak, Simon Walker, Executive Vice-President of Peak and Tommy Tam, Vice-President Operations of Peak and Mr. Walker's response to Mr. Tam.

13. On October 10, 2004 Mr. Suen finally contacted Peak via e-mail and stated that he did not wish to assume any legal liability nor responsibility for International Application No. PCT/CA2003/000021. Attached hereto as exhibit "G" is a copy of said e-mail.


14. Based upon the above correspondence, I verily believe that Mr. Suen has refused to proceed with International Application No. PCT/CA2003/000021.

Sworn or affirmed before me )  
at the City of Vancouver, in the )  
Province of British Columbia )  
on November 10, 2004. )



A Commissioner, etc.

THOMAS D. CIZ

  
\_\_\_\_\_  
Clinton Lee

**EXHIBIT "A"**

**Clinton Lee**

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**From:** Clinton Lee [clee@peakproducts.com]  
**Date:** August 25, 2003 9:39 AM  
**To:** Jenkin Suen (celery\_jen@hotmail.com)  
**Cc:** Simon  
**Subject:** address

Hi Jenkin:

Hope all is well.

We are currently entering the national phase in Canada with our screw-in post support patent application of which both you and Simon were inventors. The Canadian Patent Office will soon ask for evidence that the application has been assigned from the inventors (transferred) to Peak. As such, may I please have your current mailing address. I will forward the document for your signature and return to us.

Thank you,  
Clinton

**Clinton Lee**

**General Counsel (Intellectual Property)**

**Peak Products Manufacturing Inc.**

Tel: (604) 736-6000

Fax: (604) 736-6057

[clee@peakproducts.com](mailto:clee@peakproducts.com)

[www.peakproducts.com](http://www.peakproducts.com)

P.O. Box 33866 Vancouver, B.C. Canada V6J 4L6

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25/08/2003

**EXHIBIT "B"**

## Clinton Lee

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**From:** Clinton Lee [clee@peakproducts.com]  
**Sent:** July 16, 2004 7:52 AM  
**To:** Jenkin Suen; jenkinsuen@netvigator.com  
**Subject:** Your address

Hi Jenkin:

Hope all is well with you and that you're enjoying law school.

We have entered national phase in Canada with our screw-in post support patent application of which both you and Simon were inventors. The Canadian Patent Office has asked us for evidence that the application has been assigned from the inventors (transferred) to Peak. As such, may I please have your current mailing address. I will forward the document to you for your signature.

Thank you,  
Clint

**Clinton Lee**  
BSc.M.E., B.Comm., LL.B.  
Registered Trade-mark Agent  
**General Counsel (Intellectual Property)**  
**The Peak Group of Companies**  
Tel: (604) 736-6000 Fax: (604) 736-6057  
[clee@peakproducts.com](mailto:clee@peakproducts.com) [www.peakproducts.com](http://www.peakproducts.com)  
P.O Box 33866 Vancouver, B.C. Canada V6J 4L6

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**EXHIBIT "C"**



## Clinton Lee

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**From:** Clinton Lee [clee@peakproducts.com]  
**Sent:** August 27, 2004 12:18 PM  
**To:** 'jekinsuen@netvigator.com'  
**Subject:** FW: Your address

Hi Jenkin,

Just wondering if you have had a chance to review my e-mail below?

Thanks,  
Clint

---

**From:** Clinton Lee [mailto:clee@peakproducts.com]  
**Sent:** July 16, 2004 7:52 AM  
**To:** Jenkin Suen; jekinsuen@netvigator.com  
**Subject:** Your address

Hi Jenkin:

Hope all is well with you and that you're enjoying law school.

We have entered national phase in Canada with our screw-in post support patent application of which both you and Simon were inventors. The Canadian Patent Office has asked us for evidence that the application has been assigned from the inventors (transferred) to Peak. As such, may I please have your current mailing address. I will forward the document to you for your signature.

Thank you,  
Clint

**Clinton Lee**  
BSc.M.E., B.Comm., LL.B.  
Registered Trade-mark Agent  
**General Counsel (Intellectual Property)**  
**The Peak Group of Companies**  
Tel: (604) 736-6000 Fax: (604) 736-6057  
[clee@peakproducts.com](mailto:clee@peakproducts.com) [www.peakproducts.com](http://www.peakproducts.com)  
P.O Box 33866 Vancouver, B.C. Canada V6J 4L6

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**EXHIBIT "D"**

**Clinton Lee**

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**From:** Simon Walker [swalker@peakproducts.com]  
**Sent:** September 16, 2004 7:46 PM  
**To:** jgross@peakproducts.com; 'Clinton Lee'; 'Tommy Tam'  
**Cc:** legal@peakproducts.com; 'Andrea Thompson'  
**Subject:** RE:

Hi Clint:

You may want to try this one: [celery\\_jen@hotmail.com](mailto:celery_jen@hotmail.com)

Thanks and Regards,

**Simon Walker**  
Executive Vice President

The Peak Group of Companies  
[www.peakproducts.com](http://www.peakproducts.com)  
Tel: (604) 736-6000  
Fax: (604) 736-6057

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**From:** John Gross [mailto:jgross@peakproducts.com]  
**Sent:** Thursday, September 16, 2004 3:29 PM  
**To:** 'Clinton Lee'; 'Simon Walker'; 'Tommy Tam'  
**Cc:** legal@peakproducts.com; 'Andrea Thompson'  
**Subject:** RE:

Hi Tommy,

Do you have Jenkin's email address or some other way of reaching him?

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**From:** Clinton Lee [mailto:cllee@peakproducts.com]  
**Sent:** Thursday, September 16, 2004 3:02 PM  
**To:** John Gross; Simon Walker  
**Cc:** cllee@peakproducts.com; legal@peakproducts.com; Andrea Thompson  
**Subject:**

**Solicitor-Client Privilege**

Gentlemen:

We have entered national phase in Canada with our screw-in post support patent application of which both Jenkin and Simon were inventors. The Canadian Patent Office has asked us for evidence that the application has been assigned from the inventors to Peak. I have e-mailed Jenkin ([jekinsuen@netvigator.com](mailto:jekinsuen@netvigator.com)) on numerous occasions kindly requesting that he provide us with his current mailing address so that we can send him an assignment. Unfortunately, my e-mails have gone unanswered.

12/10/2004

If we do not receive an assignment from Jenkin we can also file an affidavit that an inventor has been unresponsive which will satisfy the Patent Office. All things being equal, I would prefer to have an assignment on file.

Please let me know if you know of an alternative means of contacting Jenkin. An assignment or otherwise must be filed not later than November 19, 2004.

Clint

**Clinton Lee**  
*BSc.M.E., B.Comm., LL.B.*  
*Registered Trade-mark Agent*  
General Counsel (Intellectual Property)

The Peak Group of Companies  
[www.peakproducts.com](http://www.peakproducts.com)  
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**EXHIBIT "E"**

**Clinton Lee**

---

**From:** Clinton Lee [clee@peakproducts.com]  
**Sent:** September 17, 2004 7:10 AM  
**To:** 'celery\_jen@hotmail.com'  
**Subject:** Assignment

Hi Jenkin:

Hope all is well with you and that you're enjoying law school.

We have entered national phase in Canada with our screw-in post support patent application of which both you and Simon were inventors. The Canadian Patent Office has asked us for evidence that the application has been assigned from the inventors (transferred) to Peak. As such, may I please have your current mailing address. I will forward the document to you for your signature.

Thank you,  
Clint

**Clinton Lee**  
*BSc.M.E., B.Comm., LL.B.*  
*Registered Trade-mark Agent*  
General Counsel (Intellectual Property)

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**EXHIBIT "F"**

**Clinton Lee**

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**From:** Clinton Lee [clee@peakproducts.com]  
**Sent:** October 8, 2004 3:32 PM  
**To:** John Gross; Simon Walker; Thom Ciz; Tommy Tam  
**Subject:** Jenkin

**Solicitor-Client Privilege**

Gentlemen:

I have e-mailed Jenkin ([jekinsuen@netvigator.com](mailto:jekinsuen@netvigator.com)) and ([celery\\_jen@hotmail.com](mailto:celery_jen@hotmail.com)) on numerous occasions kindly requesting that he provide us with his current mailing address so that we can send him an assignment. Unfortunately, my e-mails have gone unanswered.

Please let me know if you know of any alternative means of contacting Jenkin or whether we have exhausted all our avenues of contacting him.

Clint

**Clinton Lee**  
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*Registered Trade-mark Agent*  
General Counsel (Intellectual Property)

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**Clinton Lee**

---

**From:** Simon Walker [swalker@peakproducts.com]  
**Sent:** October 8, 2004 3:35 PM  
**To:** 'Clinton Lee'; 'John Gross'; 'Thom Ciz'; 'Tommy Tam'  
**Subject:** RE: Jenkin

Hi Tommy:

Do you know how we might contact Jenkin's parents for his contact info in Hong Kong?

Thanks and Regards,

**Simon Walker**  
Executive Vice President

The Peak Group of Companies  
[www.peakproducts.com](http://www.peakproducts.com)  
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---

**From:** Clinton Lee [mailto:cllee@peakproducts.com]  
**Sent:** Friday, October 08, 2004 3:32 PM  
**To:** John Gross; Simon Walker; Thom Ciz; Tommy Tam  
**Subject:** Jenkin

**Solicitor-Client Privilege**

Gentlemen:

I have e-mailed Jenkin ([jekinsuen@netvigator.com](mailto:jekinsuen@netvigator.com)) and ([celery\\_jen@hotmail.com](mailto:celery_jen@hotmail.com)) on numerous occasions kindly requesting that he provide us with his current mailing address so that we can send him an assignment. Unfortunately, my e-mails have gone unanswered.

Please let me know if you know of any alternative means of contacting Jenkin or whether we have exhausted all our avenues of contacting him.

Clint

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12/10/2004

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**EXHIBIT "G"**

**Clinton Lee**

---

**From:** Jenkin Suen [jenkinsuen@netvigator.com]

**Sent:** October 10, 2004 12:37 AM

**To:** ttam@peakproducts.com; swalker@peakproducts.com; clee@peakproducts.com;  
tciz@peakproducts.com; jgross@peakproducts.com

**Subject:** assignment

Hi Gentlemen,

I would like to apologize for the late reply. I am sorry to inform you that, I am not going to sign any of those documents. Since I no longer an employee to Peak Products, I do not wish to take any legal liability and responsibility.

Hope it will not cause inconvenience to your patent application, if there any inconvenience caused by me, I would like to apologize for that.

Please do not bother my parents. Thank you for your kind assistance.

Best regards,  
Jenkin Suen

12/10/2004